

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

vs.

3:18-MJ-00139-TWD

MAXIMILIEN R. REYNOLDS,

Defendant.

---

APPEARANCES:

OF COUNSEL:

FOR THE GOVERNMENT

HON. GRANT C. JAQUITH, ESQ.  
Interim United States Attorney  
Office of the United States Attorney  
100 South Clinton Street  
PO Box 7198  
Syracuse, NY 13261

RICHARD SOUTHWICK, ESQ.  
Assistant U.S. Attorney

FOR THE DEFENDANT

SCHLATHER, STUMBAR, PARKS & SALK, LLP  
200 East Buffalo Street  
PO Box 353  
Ithaca, NY 14851-0353

RAYMOND M. SCHLATHER, ESQ.  
KIMBERLY M. ZIMMER, ESQ.

THÉRÈSE WILEY DANCKS, United States Magistrate Judge

**ORDER**

Defendant is charged by criminal complaint with Possession of an Unregistered Destructive Device/Silencer, False Statement in Acquisition of a Firearm, and False Statement in Required Firearm Record, in violation of 26 U.S.C. § 5861(d), 18 U.S.C. § 922(a)(6) and 2(a) and 2(b), and 18 U.S.C. § 924(a)(1)(A) and 2(a) and 2(b). On March 19, 2018, this Court ordered a psychiatric or psychological examination of Defendant pursuant to 18 U.S.C. § 4241(b). The mental evaluation was recently completed and the report is filed under seal. (Dkt. No. 21.)

On August 3, 2018, counsel for the Government and the Defendant participated in a

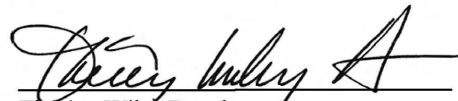
conference call with the Court to discuss the findings of the report which counsel had reviewed. (Text Minute Entry 8/3/2018.) Counsel for the Government and Defendant each confirmed that they did not challenge the results of the examination. *Id.* Thereafter, counsel for Defendant filed a letter with the Court indicating that Defendant waived any appearance for a competency hearing. (Dkt. No. 24.)

Therefore, based upon the mental health evaluation (Dkt. No. 21), the parties' indication that neither challenges the results of it (Text Minute Entry 8/3/2018), and Defendant's waiver of a formal appearance on his competency at this time (Dkt. No. 24), the Court adopts the findings in the report filed July 23, 2018 (Dkt. No. 21), from the U.S. Medical Center in Ayer, Massachusetts, and finds Defendant's competency has been restored. The Court finds Defendant is able to understand the charges pending against him; he is able to meaningfully participate in legal proceedings; and he is capable of assisting his counsel in defending him.

**ACCORDINGLY**, it is hereby

**ORDERED**, that Defendant is deemed mentally competent pursuant to 18 U.S.C. § 4241 and he is otherwise detained based upon his previous waiver of a detention hearing (Text Minute Entry 3/16/2018).

Dated: August 13, 2018  
Syracuse, NY

  
Therese Wiley Dancks  
United States Magistrate Judge